



**II. Defendants' Motion for Leave to File Third-Party Complaint (Doc. No. 33)**

Defendants seek leave to file a third party complaint asserting claims against Chapel Development, LLC, Michael Atcheson, Larry Haas, Jerry Campbell, and Cohen Esrey Real Estate Services, Inc. Defendants state that they believe the inclusion of these Third-Party Defendants is necessary to afford full and complete relief in this matter. Plaintiff has filed no opposition to this motion.

Pursuant to Federal Rule of Civil Procedure 14, Defendants' Motion for Leave to File Third-Party Complaint (Doc. No. 33) is **GRANTED**, and defendants **SHALL** electronically file their Third-Party Complaint on or before **June 12, 2006**.

**III. Defendants' Motion to Dismiss the Complaint (Doc. No. 10)**

As detailed above, plaintiff has been granted leave to file a First Amended Complaint. Consequently, as the Complaint will be replaced by the First Amended Complaint, the Court finds that Defendants' Motion to Dismiss the Complaint (Doc. No. 10) should be **DENIED AS MOOT**.<sup>1</sup>

**IT IS SO ORDERED.**

/s/ FERNANDO J. GAITAN, JR.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: June 8, 2006.  
Kansas City, Missouri.

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<sup>1</sup>To the extent that the arguments raised in defendants' motion to dismiss the Complaint apply to the First Amended Complaint, defendants may raise those arguments in a motion to dismiss the First Amended Complaint, referring the Court to the arguments made in the previously-filed documents as appropriate.